

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**DECLARATION OF JAMES A. SHIMOTA IN SUPPORT OF
ENTROPIC COMMUNICATIONS, LLC'S
MOTION TO STRIKE OPINIONS OF CHRISTOPHER BAKEWELL**

I, James A. Shimota, declare:

1. I am a Partner with the law firm of K&L Gates LLP and counsel of record for Plaintiff Entropic Communications, LLC (“Entropic”) in the above-captioned matter. I submit this declaration in support of Entropic’s Motion to Strike Opinions of Christopher Bakewell. I have personal knowledge of the matters stated herein and, if called to testify to such matters, I could and would testify hereto.

2. On January 16, 2023, Entropic’s counsel met and conferred by video conference with counsel for Charter Communications, Inc. (“Charter”) to discuss the scope and relevance of Entropic’s document requests relating to damages. During this meet and confer, the parties discussed Entropic’s requests, including requests relating to whole home DVR. Entropic explained the relevance of whole home DVR to the claims and defenses of this case, specifically as it relates to U.S. Patent No. 9,210,362, including with respect to Entropic’s damages.

3. During the January 16, 2023 meet and confer, the parties discussed the scope of all of the requests, and with respect to Entropic’s document request numbers 37, 43, 47, 48, and 51, Entropic agreed to provide “a list of the features of the accused products and services as examples of the information we are seeking in these requests.” *See* Ex. I at 5.

4. Entropic provided this information to Charter in an email on January 24, 2023. The email specifically identified the types of documents requested and explained the relevance of these documents as related to whole home DVR. *See* Ex. I at 2–3.

5. On January 30, 2023, Charter responded and agreed to search for the documents identified in Entropic’s January 24, 2023 email. Charter did not identify any documents it was refusing to search for or produce, but stated it did not understand the relevance of whole home DVR.

6. Attached as Exhibit A is a true and correct copy of Defendant's Rebuttal Expert Report Regarding Damages signed by W. Christopher Bakewell, which was served on Entropic on August 11, 2023.

7. Attached as Exhibit B is a true and correct copy of Defendant's Expert Report of Dr. Kevin Almeroth Regarding Licensing and Non-Infringing Alternatives, which was served on Entropic on July 21, 2023.

8. Attached as Exhibit C is a true and correct copy of selected excerpts of the deposition transcript of Daniel Boglioli, Charter's Vice President, Associate General Counsel, which was taken on August 11, 2023.

9. Attached as Exhibit D is a true and correct copy of selected excerpts of the deposition transcript of Steven Kaufman, Vantiva USA LLC's corporate representative, which was taken on September 6, 2023.

10. Attached as Exhibit E is a true and correct copy of selected excerpts of the deposition transcript of Jason Henricks, Charter's Director of Engineering, which was taken on May 25, 2023.

11. Attached as Exhibit F is a true and correct copy of selected excerpts of the deposition transcript of Vinod Dani, a Principal Engineer II at Charter, which was taken on May 11, 2023.

12. Attached as Exhibit G is a true and correct copy of selected excerpts of the deposition transcript of Curtis Ling, MaxLinear's corporate representative, which was taken on July 12, 2023.

13. Attached as Exhibit H is a true and correct copy of correspondence sent by Entropic to Charter on December 30, 2022.

14. Attached as Exhibit I is a true and correct copy of correspondence between Charter and Entropic occurring on December 30, 2022 through January 30, 2023 regarding Entropic's request for documents.

15. Attached as Exhibit J is a true and correct copy of Entropic's Notice of Deposition of Charter Communications, Inc. Pursuant to FED. R. CIV. P. 30(b)(6), which was served on Charter on March 9, 2023.

16. Attached as Exhibit K is a true and correct copy of selected excerpts of the deposition transcript of Casey Paiz, Charter's Director of Video Platform Engineering, which was taken June 8, 2023.

17. Attached as Exhibit L is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00143762–853, which was produced by Charter on March 31, 2023.

18. Attached as Exhibit M is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00143855–917, which was produced by Charter on March 31, 2023.

19. Attached as Exhibit N is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00222787–88, which was produced by Charter on April 20, 2023.

20. Attached as Exhibit O is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00222789–90, which was produced by Charter on April 20, 2023.

21. Attached as Exhibit P is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00375842–925, which was produced by Charter on June 20, 2023.

22. Attached as Exhibit Q is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00387195–205, which was produced by Charter on July 17, 2023.

23. Attached as Exhibit R is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00394596–637, which was produced by Charter on July 21, 2023.

24. Attached as Exhibit S is a true and correct copy of the document bearing bates number CHARTER_ENTROPIC00186458, which was produced by Charter on March 31, 2023.

25. Attached as Exhibit T is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00097699–707, which was produced by Charter on January 13, 2023.

26. Attached as Exhibit U is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00098504–739, which was produced by Charter on January 13, 2023.

27. Attached as Exhibit V is a true and correct copy of the document bearing bates number CHARTER_ENTROPIC00480401, which was produced by Charter on August 4, 2023.

28. Attached as Exhibit W is a true and correct copy of the document bearing bates number CHARTER_ENTROPIC00480402, which was produced by Charter on August 4, 2023.

29. Attached as Exhibit X is a true and correct copy of Entropic's First Set of Interrogatories to Charter (Nos. 1–5), which Entropic served on Charter on September 8, 2022.

30. Attached as Exhibit Y is a true and correct copy of Charter's Objections and Responses to Plaintiff's First Set of Interrogatories (Nos. 1–5), which Charter served on Entropic on October 11, 2022.

31. Attached as Exhibit Z is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00480849–50, which was produced by Charter on August 11, 2023.

32. Attached as Exhibit AA is a true and correct copy of Charter's Fifth Supplemental Objections and Responses to Plaintiff's Second Set of Interrogatories (No. 7), which Charter served on Entropic on August 10, 2023.

33. Attached as Exhibit AB is a true and correct copy of selected excerpts of the deposition transcript of William Berger, Charter's Vice President of Telemetry Development, which was taken on June 16, 2023.

34. Attached as Exhibit AC is a true and correct copy of the document bearing bates numbers CHARTER_ENTROPIC00382148–51, which was produced by Charter on June 23, 2023.

I certify under penalty of perjury under the laws of the United States that the foregoing statements are true and correct. Signed this 11th day of September, 2023.

/s/ James A. Shimota
James A. Shimota